IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.4443 OF 2004

Raju Shivram Sagale & anr. ..Petitioners.

Vs.

Shivram Bhima Sagale & Ors. ..Respondents.

....

Mr. R.G. Ketkar for the Petitioners.

Mr. P.N. Joshi for Respondent No.1.

...

CORAM : DR.D.Y.CHANDRACHUD, J.

16th March, 2006.

P.C. :

An application for amendment to the written statement that was moved by the First and Second Defendants to the suit was allowed in part. That order has been challenged by the 6th and 7th Defendants who are the Petitioners before the Court. The order of the Learned Trial Judge does not warrant any interference. The order allowing

the proposed amendment clearly falls within the exercise of the jurisdiction of the Trial Judge under Order 6 Rule 17 of the Code of Civil Procedure. There is no merit in the Petition which is accordingly dismissed.

It would be open to the Petitioners to file a reply to the amended written statement within a period of four weeks from today.